

Remarks

Applicant has carefully reviewed the application in light of the final Office Action dated May 5, 2003. At the time of the Office Action, Claims 1-22 and 24-50 were pending in the application. The Examiner rejects Claims 1-22 and 24-50. Claims 1-22, 24-31, and 45 have been amended to more clearly claim what the inventor believes to be the invention. These amendments were not made as a result of any cited art, and Applicant respectfully submits that these amendments do not contain new matter and do not require that the Examiner conduct a new search. Applicant respectfully requests reconsideration and favorable action in this case.

Summary of Telephonic Interview

Applicant's attorneys, Mr. Samir A. Bhavsar and Mr. Chad D. Terrell, conducted a telephonic interview with Examiner Haq on June 19, 2003. Pursuant to M.P.E.P. § 713.04, Applicant submits this summary of the telephonic interview to record Applicant's understanding of the substance of the interview. If Applicant's understanding is inaccurate, notice of such is appreciated.

Attorneys for Applicant thank the Examiner for the courtesy of his telephonic interview. During the telephonic interview, Applicant traversed the Examiner's rejections under 35 U.S.C. § 101, 35 U.S.C. § 112(1), and 35 U.S.C. § 103(a). With respect to the Section 101 rejection, Applicant, while expressing disagreement with the Examiner's rejection, proposed amendments to Claims 1, 17, 31, and 45, and their respective dependent claims as necessary. The Examiner agreed that if such amendments were made, he would withdraw his rejection based on Section 101. Applicant has made these amendments in this Response and respectfully request that the Examiner withdraw the rejection based on Section 101.

With respect to the rejection based on Section 112(1), Applicant indicated in the specification support for the objected-to language in Claims 1, 17, 31, and 45. With respect to the rejection based on section 103(a), Applicant discussed certain distinctions between Applicant's claimed invention and the *Wolfe* reference. The Examiner agreed to consider

Applicant's arguments, articulated in this Response, with respect to the rejections based on Sections 112(1) and 103(a).

Section 101 Rejections

The Examiner rejects Claims 1-22 and 24-50 under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Although Applicant disagrees with this rejection of Claims 1-22 and 24-50 for reasons discussed in the previous response, to advance prosecution in this case, Applicant has amended independent Claims 1, 17, 21, and 45, as well as their respective dependent claims as necessary, as discussed with the Examiner in the telephonic interview summarized above. For at least these reasons, Applicant respectfully requests that the Examiner withdraw this rejection of Claims 1-22 and 24-50.

Section 112 Rejections

The Examiner rejects Claims 1, 17, 31, and 45 under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant respectfully traverses the Examiner's rejections for at least the following reasons.

In particular, the Examiner states, "These claims recite the limitation ' . . . a first dealer identifier of a first dealer having the tagged vehicle in inventory and a second dealer identifier of a second dealer selected by the user from whom to purchase the tagged vehicle in the first dealer's inventory.' There is no support for the limitation ' . . . in the first dealer's inventory.'" (Office Action, Pages 3-4). Applicant respectfully submits that the specification supports the limitations at issue. For example, the specification recites "The tagged configuration parameter 1084 contains data of the tagged vehicle: VIN 1085, stock number 1086, item number 1087, order line number 1088, matched configuration 1089, configured model 1090, *tagged dealer 1121*, *selected dealer 1122*, vehicle initial status 1123 (new, used, in-stock), and locate search identifier 1124." (Specification, p. 38, l. 31 – p. 39, l. 2; emphasis added). In another example, the specification recites "*Tagged dealer 1121* is a tag for the dealer code of the *dealer that has the requested vehicle*. *Selected dealer 1122* is the tag for the dealer code that the customer has

selected *from whom to purchase the vehicle*." (Specification, p. 39, ll. 25-28; emphasis added). Other portions of the specification may also support "a first dealer identifier of a first dealer having the tagged vehicle in inventory and a second dealer identifier of a second dealer selected by the user from whom to purchase the tagged vehicle in the first dealer's inventory" as recited, in part, by Claims 1, 17, 31, and 45. Accordingly, Applicant respectfully requests that the rejection of Claims 1, 17, 31, and 45 under 35 U.S.C. §112, first paragraph, be withdrawn.

Section 103 Rejections

The Examiner rejects Claims 1, 2-9, 11, 12, 15-22, 25, 26, 29-37, 39, 40, and 43-50 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,282,517 B1 issued to Wolfe et al. ("*Wolfe*") in view of Tittel et al. "XML for Dummies" ("*Tittel*"). Applicant respectfully requests reconsideration of this rejection of Claims 1, 2-9, 11, 12, 15-22, 25, 26, 29-37, 39, 40, and 43-50 for the following reasons.

Wolfe fails to teach, suggest, or disclose ("a tag request message comprising tagged vehicle parameters, the tagged vehicle parameters including the vehicle identifier," "a first dealer identifier of a first dealer having the tagged vehicle in inventory," and "a second dealer identifier of a second dealer selected by the user from whom to purchase the tagged vehicle in the first dealer's inventory," as recited in independent Claim 1. Applicant reiterates Applicant's arguments in the Response filed November 6, 2002.

In the Office Action, the Examiner cites various portions of *Wolfe* as teaching the above-cited limitation; however, the cited portions of *Wolfe* still fail to teach, suggest, or disclose at least the above-cited limitation of Claim 1. For example, nowhere does *Wolfe* teach, suggest, or disclose "a second dealer identifier of a second dealer selected by the user from whom to purchase the tagged vehicle *in the first dealer's inventory*," as recited in Claim 1. *Wolfe* appears to merely teach a traditional system in which a customer selects certain characteristics of a desired car, the system finds a dealer who has the car (or may have the car for new cars), and forwards the "purchase request" to the dealer. For example, *Wolfe* teaches that "given the vehicle make, the vehicle model, and the vehicle information, the buyer-dealer

association module 610 may search the used vehicle inventory to locate a vehicle matching the buyer's requirements. The used vehicle records in the used vehicle inventory may be searched to determine, for example, the dealer identification number and the dealer stock number for inclusion into the used vehicle purchase request record." (Column 12, Lines 43-50). Additionally, *Wolfe* teaches that an "exclusive dealer regions record may identify one or a plurality of dealer identification numbers. The buyer-dealer association module may then create the necessary number of purchase request records, *one for each of the plurality of dealer identification numbers*." (Column 12, Lines 31-36). Thus, even though *Wolfe* mentions the possibility of multiple dealers (Column 13, Lines 8-17), they each receive their own purchase request record. Additionally, nowhere does this or any other portion of *Wolfe* disclose, teach, or suggest "a second dealer identifier of a second dealer selected by the user from whom to purchase the tagged vehicle *in the first dealer's inventory*," as recited in Claim 1.

For at least these reasons, *Wolfe* fails to teach, suggest, or disclose "a tag request message comprising tagged vehicle parameters, the tagged vehicle parameters including the vehicle identifier," "a first dealer identifier of a first dealer having the tagged vehicle in inventory," and "a second dealer identifier of a second dealer selected by the user from whom to purchase the tagged vehicle in the first dealer's inventory," as recited in independent Claim 1. *Tittel* fails to make up for these deficiencies of *Wolfe*.

Thus, Applicant respectfully requests reconsideration and allowance of Claim 1, together with all claims that depend from Claim 1. For at least the reasons stated with regard to Claim 1, Applicant respectfully requests reconsideration and allowance of Claims 17, 31, and 45, together with all claims that depend from Claims 17, 31, and 45.

The Examiner rejects Claims 13, 14, 27, 28, 41, and 42 under 35 U.S.C. §103(a) as being unpatentable over *Wolfe* in view of Korth et al. "Database System Concepts" ("*Korth*"). The Examiner rejects Claims 10, 24, and 38 under 35 U.S.C. §103(a) as being unpatentable over *Wolfe* in view of St. Laurent "Cookies" ("*St. Laurent*"). Claims 10 and 13-14 (which depend from independent Claim 1), Claims 24 and 27-28 (which depend from independent Claim 17), and Claims 38 and 41-42 (which depend from independent Claim 31) depend from

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33

allowable independent Claims and are allowable for at least this reason. For at least this reason, Applicant respectfully requests reconsideration and allowance of Claims 10, 13-14, 24, 27-28, 38, and 41-42.

Conclusion

Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration and allowance of all pending Claims.

Although no fees are believed due, the Commissioner is hereby authorized to charge any fees necessary for advancement of the prosecution of this case or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts, L.L.P.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact its attorney at the number provided below.

Respectfully submitted,
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